

CHAPTER 1

INTRODUCTION AND OVERVIEW

The land that is now Milpitas was in pre-historic times part of the home territory of the Tamien tribelet of the Coastanoan Indians; remnants of two notable village sites from the period can be found in the City. Milpitas' present-day origins can be traced to the presence of Spaniards in the South Bay in the latter part of the 18th century. In the mid-19th century, the area was a stopover-point for travelers between Sutter Fort and San Jose. By the late 1850s, a stage line was operating between San Jose and Oakland with stops in Milpitas.

In the latter part of the 19th century, Milpitas emerged as a marketing center for farmers widely scattered along the plain and the hills. The Southern Pacific Railroad ran a line from Stockton to San Jose reaching Milpitas in 1869, which led to initiation of new commercial enterprises and consolidation of Milpitas' position as an important shipping point of the rapidly farmanizing valley. In 1920s, construction of the San Jose branch of the Western Pacific Railroad gave the community access to a second rail line.

As late as the early 1950s, orchards and farms dotted the Milpitas landscape. In 1953, the Ford Motor Company began constructing an assembly plant south of downtown in a strip between the two railroad tracks; the town was incorporated in the following year.

Milpitas has outstripped its origins to rapidly grow into a suburban center of 62,698 people providing 52,090 jobs in 2000¹. Even though much of the City is fairly new — with the exception of the Great Mall (previously Ford Motor Company plant), and some scattered subdivisions and buildings along Main Street, virtually the entire City has been built over the last 30 years. Rapid growth in the region has left little room for expansion of the City boundaries in the flatlands.

A comprehensive update of the City's General Plan was conducted in 1994. Several minor amendments have occurred since then. In response to the City's needs and state law, this Plan describes the City's ideas for its future and the ways in which it intends to transform these ideas into reality. The General Plan incorporates the Midtown Specific Plan, approximately 972 acres of land in the center of Milpitas, by reference. The Midtown Specific Plan establishes, in more specific terms, the nature, character and location of activities and development; guides the orderly growth of Midtown Milpitas; defines the nature of development and the physical framework of that area; and provides a basis for future implementing actions to improve and beautify the area.

This chapter provides an overview of the scope and organization of the General Plan. A glossary of planning terms used in the Plan is included in the Appendix.

¹ Based on 2000 Census data and Projections 2002 (ABAG).

1.1 Scope and Requirements of the General Plan

State law requires each California City and county to prepare a general plan. A general plan is defined as “a comprehensive, long-term general plan for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning.” Thus, the Planning Area can include land beyond the City's corporate limits. State requirements call for general plans that “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.”

While they allow considerable flexibility, state planning laws do establish some requirements for the issues that general plans must address. The California Government Code establishes both the content of general plans and rules for their adoption and subsequent amendment. Together, state law and judicial decisions establish three overall guidelines for general plans:

- **The General Plan Must Be Comprehensive.** This requirement has two aspects. First, the General Plan must be geographically comprehensive. That is, it must apply throughout the entire incorporated area and it should include other areas that the City determines are relevant to its planning. Second, the General Plan must address the full range of issues that affect the City's physical development.
- **The General Plan Must Be Internally Consistent.** This requirement means that the General Plan must fully integrate its separate parts and relate them to each other without conflict. “Horizontal” consistency applies as much to figures and diagrams as to the general plan text. It also applies to data and analysis as well as policies. All adopted portions of the General Plan, whether required by state law or not, have equal legal weight. None may supersede another, so the General Plan must resolve conflicts among the provisions of each element.
- **The General Plan Must Be Long-Range.** Because anticipated development will affect the City and the people who live or work there for years to come, state law requires every general plan to take a long-term perspective. While the time-horizon at which build-out of the Milpitas General Plan would occur is not specified, it is expected that this would take place over a 15- to 25-year period. An on-going review and evaluation process, which enables the Plan's time-horizon to be regularly extended, is provided for in this Plan.

1.2 Planning Area

The Milpitas Planning Area² encompasses an area of approximately 18 square miles, extending between the south end of the San Francisco Bay and the Los Buellis Hills of the Mount Diablo Range in northern Santa Clara County (see Figure 1-1). The Planning Area is congruent with Milpitas' Sphere of Influence.³ Milpitas' incorporated limits represent about 13 square miles of the Planning Area, while the remainder of the land is unincorporated (see Figure 1-2). The northern edge of the Planning Area is defined by the boundary between Santa Clara and Alameda counties, and west and south of the Planning Area lies the city of San Jose. The Calaveras Reservoir lies about 3/4 mile east of the Planning Area, while the San Jose International Airport is barely 4.5 miles to the south.

The Planning Area is topographically diverse, with elevations ranging from sea level to about 2,600 feet near Monument Peak. It includes two distinct, almost equi-sized sub-areas — the Valley Floor and the Hillside.

The relatively flat Valley Floor occupies the western half of the Planning Area, and extends from Coyote Creek in the west to Piedmont Road, Evans Road and the northerly portion of North Park Victoria Drive in the east. All of the Valley Floor is within Milpitas' incorporated limits and is almost fully urbanized; the only substantial vacant sites are adjacent to Coyote Creek.

The Hillside occupies the eastern half of the Planning Area. This area is much steeper than the Valley Floor and is characterized by open space with chaparral and native grasses, and some scattered pockets of residences.

² A city's "Planning Area" encompasses incorporated and unincorporated territories bearing a relationship to the city's planning.

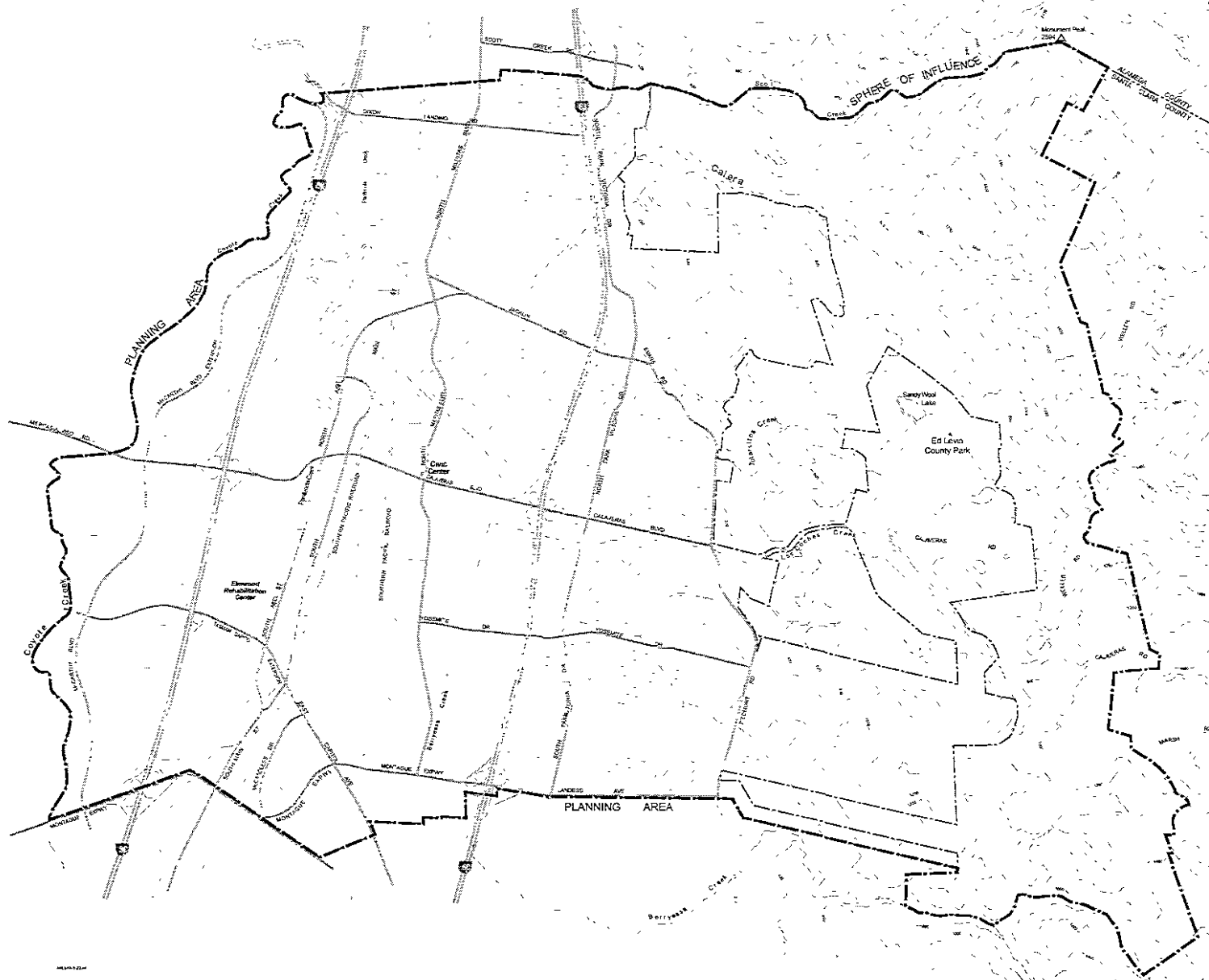
³ A city's "Sphere of Influence" is adopted by the Local Agency Formation Commission and encompasses incorporated and unincorporated territory which represent the city's probable ultimate physical boundaries and service area.

City of Milpitas
GENERAL PLAN

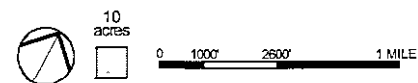
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Regional Location

Boundaries
Figure 1-2



City Limits



City of Milpitas
GENERAL PLAN

July 1997

1.3 Plan Organization

The organization of the General Plan is summarized in Table 1-1. Throughout the Plan, cross-references guide the reader to related policies in other sections and elements.

Table 1-1 Organization of the General Plan		
General Plan Element	Major Issues Addressed	Closely Related Elements
Land Use	Distribution of land uses, standards for population density and building intensity, schools, public utilities and services	All
Circulation	Street classifications, transit service, pedestrian and bicyclists needs, rail, truck routes	Land Use, Noise
Open Space and Environmental Conservation (combines two state-required elements)	Parks and recreation, vegetation and wildlife, agriculture, scenic resources and routes, water quality	Land Use
Safety	Seismic safety, flooding, fire	Land Use
Noise	Noise attenuation and reduction	Land Use, Transportation
Note: The Housing Element is published as a separately bound document.		

The General Plan Diagram is included as a fold out in Chapter 2: Land Use Element. It represents a physical illustration of policies relating to land use, circulation, conservation, and public facilities. The legend in the Diagram is an abbreviated version of the use classifications included in the Land Use Element. The Diagram is an important part of the Plan that contains information not presented anywhere else. However, General Plan policies cannot be interpreted from the Diagram alone. Policies throughout the Plan complement the information in the Diagram.

Organization of the Elements

Each element of the General Plan includes a statement of purpose and a summary description of the requirements of state planning law for general plan adequacy. This introductory material is followed by topical sections. Sections include background material, which does not represent adopted City policy except where explicitly noted, followed by adopted Guiding Principles and Implementing Policies:

- Guiding Principles are statements of philosophy or intent; and
- Implementing Policies are commitments to specific actions that are to be undertaken in order to achieve the results called for by the Guiding Policies.

Guiding Principles and Implementing Policies are arranged in a tabular format, with adopted statements printed in roman type. **Explanatory material accompanying some policies is printed in the right-side column in italic type and is not adopted.** This commentary provides background information or is intended to guide Plan implementation.

The General Plan Diagram, other figures within the Plan elements, and the Land Use Classifications in Section 2.2 are also adopted parts of the General Plan.

Policy Numbering System. Policies in the General Plan are organized using the following numbering system: The first number refers to the Chapter/Element; the policies are further grouped by Chapter Sections (represented by lower case letters); the upper case letters distinguish Guiding Principles from Implementing Policies; the last number refers to the order in which the policy appears. For example, the first Guiding Principle in the Circulation Element (Chapter 2) is numbered 2.a-G-1 and the first Implementing Policy is 2.a-I-1. Thus, each principle or policy in the Plan has a discrete number, which will facilitate reference in discussion and in City staff reports and implementation documents.

1.4 Relationship to Other City Regulations, Policies and Programs

The General Plan provides the basis for all of the City's regulations, policies and programs that relate to issues addressed in the Plan. In addition to requiring that the Plan be internally consistent, state law requires "vertical consistency", i.e., consistency between the General Plan and other City actions. This requirement means that the City's zoning and subdivision ordinances, specific plans and redevelopment plans must be consistent with the Plan. In addition, all development approvals, public works projects, and open space implementation programs have to be consistent with the General Plan.

The state's *General Plan Guidelines* provides the following rule for defining consistency: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."⁴ This rule clarifies that consistency does not require all subsequent City actions to be specifically anticipated by the General Plan. Because the Plan is both general and long-range, there are many circumstances where future City actions will be addressed only generally in the Plan.

Consistency Between the Plan and Zoning

The City's Zoning Ordinance is one of its most important tools for implementing the Plan. Requirements for consistency between the General Plan and zoning can be broken down into two major aspects⁵:

- **Uses and Standards.** The General Plan's land use classifications are broader than the Zoning Ordinance classifications. Multiple zoning districts may be consistent with a single General Plan residential classification, as long as all of the densities and unit types allowed in each zoning district are also permitted in the relevant General Plan category. A General Plan/Zoning Consistency matrix is included in Chapter 2: Land Use Element.
- **Spatial Correlation.** The Zoning Map should reflect the general pattern of land use depicted on the Plan Diagram. However the two need not be identical. Boundaries of land use classifications depicted on the General Plan Diagram are generalized; zoning boundaries may follow parcel or other lines. In instances where more than one zoning district corresponds with a single General Plan land use classification, an area with boundaries for the districts should reflect the area of the corresponding use depicted on the Plan Diagram.

⁴ *General Plan Guidelines*. Governor's Office of Planning and Research, Sacramento, CA, 1990, p. 212.

⁵ *Ibid.* p. 214.

Consistency between the General Plan and Specific Plans

Section 65359 of the Government Code requires that specific plans that are applicable to the same areas affected by a general plan should be consistent with the general plan. The Midtown Specific Plan adopted in 2002 is consistent with the General Plan as follows:

- The Midtown Plan furthers the Land Use Guiding Principles by providing a mixture of land uses that recognize Milpitas' emerging role as transit hub, and a center of housing and employment in the Silicon Valley. It serves to maintain a compact urban form and further diversifies Milpitas' housing stock by providing for higher residential densities, and it extends the city's park-like setting by providing for parks and creek-side trails and open spaces throughout the Specific Plan area.
- The Midtown Plan is consistent with and furthers the Land Use Policies in that it focuses on infill development in a transitioning urban area and supports preservation and adaptive reuse of historical landmarks in the Specific Plan area.
- The Midtown Plan addresses the jobs/housing balance programs by providing for new higher density housing in close proximity to industrial and employment centers
- The Midtown Plan supports the provision of adequate schools through the payment of developer fees for new development.
- The Midtown Plan provides for improving the viability of pedestrian, bicycle and transit systems by including provisions such as wider sidewalks, traffic calming, streetscape improvements, pedestrian routes to transit stations and improvements to the citywide trail network.
- The Midtown Plan maintains the architectural and landscape elements that contribute to the identity and history of the City by requiring new developments to be harmonious with older structures without falsely attempting to reproduce historic structures, and supports rehabilitation and adaptive reuse of local, state and federally designated historic buildings.
- The Midtown Plan ensures the conservation, development and use of natural resources by providing "smart growth" through infill development and providing for the improvement of parks and creek-side trails designed to serve the needs of all residents of the community.

1.5 Monitoring and Review

As the City's constitution for development, the General Plan is the heart of the planning process. This section identifies a process to monitor implementation and to ensure currency of the Plan.

Amendments to the General Plan

The General Plan is intended to be a living document and, as such, will be subject to amendments to reflect detailed studies that may be conducted, changes in City policy or state or federal law passed since adoption. To maintain the Plan as current as possible, policies that may become obsolete or unrealistic due to changed conditions (such as completion of a task or project, development of a site, or adoption of an ordinance or plan) will be eliminated or modified during periodic reviews of the General Plan.

State law limits the number of times a jurisdiction can amend its general plan. Generally, no city can amend any mandatory element of its general plan more than four times in one year, although each amendment may include more than one change to the general plan. This restriction, however, does not apply to amendments to:

- Add, modify or delete optional elements;
- Allow development of affordable housing;
- Comply with a court decision;
- Comply with an applicable airport land use plan; or
- Implement a comprehensive development plan under the Urban Development Incentive Act.

Detailed Plans

To provide specific direction for development in certain geographic areas, specific plans, area plans, or redevelopment plans may be prepared. These will need to be consistent with the General Plan. Fees to cover the cost of preparation, adoption, and administering these plans may be imposed by the City, in accord with applicable provisions of state law.

Annual General Plan Report

The Government Code requires that an annual report be submitted by October 1 of each year to the City Council, Governor's Office of Planning and Research (OPR), and Department of Housing and Community Development. This report must address:

- The status of the Plan and progress in its implementation, including progress in meeting the City's share of regional housing needs and local efforts to remove governmental constraints to maintenance, improvement and development of affordable housing; and
- The degree to which the General Plan complies with OPR's *General Plan Guidelines*.

To ensure compliance with these requirements and to monitor Plan implementation, the Annual Report should include the following components:

- Status of each Implementing Policy in the General Plan;
- A summary of all General Plan amendments adopted during the preceding year and an outline of upcoming projects and General Plan issues to be addressed in the coming year;
- A summary of progress in meeting Milpitas' fair-share of regional housing needs; and
- Analysis of compliance with *General Plan Guidelines*.

The Annual Report will be prepared by City staff and submitted for review to the Planning Commission, which will make a recommendation to the City Council. Public comments on the Annual Report may be submitted in writing to the Community Development Department. The Planning Commission and the City Council will also hear public comments on the Annual Report at a duly noticed public hearing.

Five-Year Review

The City will undertake a comprehensive review of the General Plan in five-years time (in 2007). This review will include:

- Comprehensive evaluation of Plan policies, including all guiding principles and implementing policies;
- Analysis of the effectiveness of implementation programs and strategies initiated to carry out the Plan; and
- Review of five-year growth trends and re-assessment of future urban land needs in light of the Planning Area's carrying capacity and available land inventory.

The focus of this five-year review will be to determine how well the General Plan has performed — whether policies related to development and environmental conservation have been effective or if new policies are needed. A report summarizing City staff's findings and recommendations will be circulated for public comment and then presented to the Planning Commission. The Planning Commission will review the report on the five-year review and make a recommendation to the City Council. The Planning Commission and the City Council will also hear comments on the report at duly noticed public hearings.